



Montana Department of
ENVIRONMENTAL QUALITY

Brian Schweitzer, Governor

P.O. Box 200901 • Helena, MT 59620-0901 • (406) 444-2544 • www.deq.mt.gov

May 6, 2008

KATHLEEN, STRIKE TWO

David Ohnstad
Ravalli County
244 Fairgrounds Road
Hamilton, MT 59840

RE: April 25, 2008 Illegal disposal of solid waste at a gravel pit located on Airport Road, Ravalli County, Montana. [CVID #12114]

Dear Mr. Ohnstad:

The Enforcement Division (ENFD) of the Montana Department of Environmental Quality (DEQ) received information that Ravalli County Road Department was cleaning out a large tanker trailer in the above-mentioned gravel pit. There appeared to be a petroleum-based product being spilled onto the ground as a result. The contaminated area encompassed approximately 3,000 square feet and included three-inch pools of the product.

On April 25, 2008, Rich Jost of ENFD contacted you and you stated that you would clean up the contaminated soil. Photographs of the contaminated area were e-mailed to you.

Section 75-10-212, Montana Code Annotated (MCA), states in part that: (1) No person may dispose of solid waste except as permitted under this part. (2) It shall be unlawful to dump or leave any garbage, dead animal, or other debris or refuse: (a) in or upon any highway, road, street, or alley of this state; (b) in or upon any public property, highway, street, or alley under the control of the State of Montana or any political subdivision thereof or any officer or agent or department thereof; or (c) within 200 yards of such public highway, road, street, or alley or public property. Pursuant to Section 75-10-221(1), MCA, a person may not dispose of solid waste without a license from the Department.

Pursuant to Section 75-10-203(3), MCA, disposal means the discharge, injection, deposit, dumping, spilling, leaking, or placing of any solid waste into or onto the land so that the solid waste or any constituent of it may enter the environment or be emitted into the air or discharged into any waters, including ground water. Administrative Rules of Montana (ARM) 17.50.502(54) defines waste as useless, unwanted, or discarded materials in any physical form, i.e., solid, semi-solid, liquid, or gaseous.

This letter is to inform Ravalli County that the waste material generated from washing out the large tanker trailer at the above-referenced location is an improper disposal of a solid waste and therefore constitutes a violation of the Montana Solid Waste Management Act.

David Ohnstad
May 6, 2008
Page 2 of 2

In order to return to compliance, ENFD requests that the following corrective actions be conducted:

- By June 6, 2008, complete assessment and remedial actions including proper disposal of all petroleum hydrocarbon-impacted media.
- By July 6, 2008, submit a final spill cleanup report. ENFD's guidance document for spill cleanup report requirements is enclosed and is located at the following Internet address:
www.deq.mt.gov/enf/spillGuidance.asp.

The issuance of this letter has been entered into ENFD's database. Failure to complete the above corrective actions may result in a formal enforcement action that may include the issuance of a cleanup order and the assessment of administrative or civil penalties. If you disagree with the information presented in this letter or have questions related to this matter, please contact me at the telephone number listed below.

Sincerely,



Robert D. Smith
Environmental Enforcement Specialist
Enforcement Division
(406) 444-5328; Fax (406) 444-1923
E-Mail: rsmith2@mt.gov

Enclosures: Spill Cleanup Information

cc: Rayalli County Sanitarian, 215 S. 4th St., Suite D, Hamilton, MT 59840
Complainant